



General Assembly

Amendment

January Session, 2017

LCO No. 7203



Offered by:

REP. TONG, 147th Dist.
SEN. DOYLE, 9th Dist.
SEN. KISSEL, 7th Dist.
REP. STAFSTROM, 129th Dist.

REP. REBIMBAS, 70th Dist.
REP. COOK, 65th Dist.
REP. MORIN, 28th Dist.
REP. KOKORUDA, 101st Dist.

To: Subst. House Bill No. **7309**

File No. 694

Cal. No. 454

"AN ACT CONCERNING HUMAN TRAFFICKING."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46a-170 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2017*):

5 (a) There is established a Trafficking in Persons Council that shall be
6 within the Commission on Women, Children and Seniors for
7 administrative purposes only.

8 (b) The council shall consist of the following members: (1) The Chief
9 State's Attorney, or a designee; (2) the Chief Public Defender, or a
10 designee; (3) the Commissioner of Emergency Services and Public
11 Protection, or the commissioner's designee; (4) the Labor
12 Commissioner, or the commissioner's designee; (5) the Commissioner

13 of Social Services, or the commissioner's designee; (6) the
14 Commissioner of Public Health, or the commissioner's designee; (7) the
15 Commissioner of Mental Health and Addiction Services, or the
16 commissioner's designee; (8) the Commissioner of Children and
17 Families, or the commissioner's designee; (9) the Commissioner of
18 Consumer Protection, or the commissioner's designee; (10) the director
19 of the Basic Training Division of the Police Officer Standards and
20 Training Council, or the director's designee; (11) the Child Advocate,
21 or the Child Advocate's designee; (12) the Victim Advocate, or the
22 Victim Advocate's designee; (13) the chairperson of the Commission
23 on Women, Children and Seniors or the chairperson's designee; (14)
24 one representative of the Office of Victim Services of the Judicial
25 Branch appointed by the Chief Court Administrator; (15) a municipal
26 police chief appointed by the Connecticut Police Chiefs Association, or
27 a designee; (16) the Commissioner of Education, or the commissioner's
28 designee; (17) an adult victim of trafficking, appointed by the
29 Governor; and [(16)] (18) ten public members appointed as follows:
30 The Governor shall appoint two members, one of whom shall
31 represent victims of commercial exploitation of children and one of
32 whom shall represent sex trafficking victims who are children, the
33 president pro tempore of the Senate shall appoint two members, one of
34 whom shall represent the Connecticut Alliance to End Sexual Violence
35 and one of whom shall represent an organization that provides civil
36 legal services to low-income individuals, the speaker of the House of
37 Representatives shall appoint two members, one of whom shall
38 represent the Connecticut Coalition Against Domestic Violence and
39 one of whom shall represent the Connecticut Lodging Association, the
40 majority leader of the Senate shall appoint one member who shall
41 represent an organization that deals with behavioral health needs of
42 women and children, the majority leader of the House of
43 Representatives shall appoint one member who shall represent an
44 organization that advocates on social justice and human rights issues,
45 the minority leader of the Senate shall appoint one member who shall
46 represent the Connecticut Immigrant and Refugee Coalition, and the
47 minority leader of the House of Representatives shall appoint one

48 member who shall represent the Motor Transport Association of
49 Connecticut, Inc.

50 (c) The chairperson of the Commission on Women, Children and
51 Seniors, or a designee, shall serve as chairperson of the council. The
52 members of the council shall serve without compensation but shall be
53 reimbursed for necessary expenses incurred in the performance of
54 their duties.

55 (d) The council shall: (1) Hold meetings to provide updates and
56 progress reports, (2) coordinate the collection, analysis and
57 dissemination of data regarding human trafficking, and (3) consult
58 with governmental and nongovernmental organizations in developing
59 recommendations to strengthen state and local efforts to prevent
60 trafficking, protect and assist victims of trafficking and prosecute
61 traffickers. The council shall meet at least three times per year.

62 (e) The council may request data and other information from state
63 and local agencies to carry out its duties under this section.

64 (f) (1) The council shall:

65 (A) Develop a list of key indicators that a person is a victim of
66 trafficking;

67 (B) Develop a standardized curriculum and conduct training for
68 doctors, nurses, pharmacists, pharmacy technicians, emergency
69 medical services personnel, teachers, school counselors, school
70 administrators and personnel from the Department of Children and
71 Families and the Department of Public Health to identify victims of
72 human trafficking, using the list of key indicators developed under
73 subparagraph (A) of this subdivision, and assist such victims;

74 (C) Develop and conduct training for personnel from the
75 Departments of Children and Families and Public Health on methods
76 for identifying children in foster care who may be at risk of becoming
77 victims of trafficking;

78 (D) Develop a plan for mental health, support and substance abuse
79 programs for individuals identified as victims of trafficking and those
80 arrested for prostitution in violation of section 53a-82. The plan shall
81 provide for (i) the diversion of victims of trafficking and prostitution
82 offenders into community-based treatment and support services,
83 including, but not limited to, substance abuse recovery, housing,
84 healthcare, job training, treatment and mental health support, and (ii)
85 after the successful completion of the program, the dismissal of any
86 related criminal charges against the accused.

87 (2) The council shall include such plan and any recommendations
88 for legislation to implement the plan as part of any report submitted
89 pursuant of subsection (h) of this section not later than January 1, 2018.

90 (g) The council shall examine the challenges faced by victims of
91 trafficking who are persons without legal immigration status. The
92 council may recommend services that such persons could benefit from
93 and legislation to provide such services as part of any report submitted
94 pursuant to subsection (h) of this section.

95 ~~[(f)]~~ (h) Not later than January 1, 2008, and annually thereafter, the
96 council shall submit a report of its activities, including any
97 recommendations for legislation, to the General Assembly in
98 accordance with section 11-4a.

99 ~~[(g)]~~ (i) For the purposes of this section, "trafficking" means all acts
100 involved in the recruitment, abduction, transport, harboring, transfer,
101 sale or receipt of persons, within national or across international
102 borders, through force, coercion, fraud or deception, to place persons
103 in situations of slavery or slavery-like conditions, forced labor or
104 services, such as forced prostitution or sexual services, domestic
105 servitude, bonded sweatshop labor or other debt bondage.

106 Sec. 2. Section 53a-192a of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2017*):

108 (a) A person is guilty of trafficking in persons when such person (1)

109 compels or induces another person to engage in conduct involving
110 sexual contact with one or more third persons, or provide labor or
111 services that such person has a legal right to refrain from providing, by
112 means of (A) the use of force against such other person or a third
113 person, or by the threat of use of force against such other person or a
114 third person, (B) fraud, or (C) coercion, as provided in section 53a-192,
115 [or] (2) compels or induces another person who is under eighteen years
116 of age to engage in conduct involving sexual contact with one or more
117 third persons that constitutes sexual contact for which such third
118 person may be charged with a criminal offense, or (3) otherwise
119 commits an act that constitutes sex trafficking. For the purposes of this
120 subsection, "sexual contact" means any contact with the intimate parts
121 of another person, and "sex trafficking" means the recruitment,
122 harboring, transportation or provision of a person for the purpose of
123 engaging in sexual conduct with another person for a fee.

124 (b) Trafficking in persons is a class [B] A felony.

125 Sec. 3. Section 53a-83 of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective October 1, 2017*):

127 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant
128 to a prior understanding, [he] such person pays a fee to another person
129 as compensation for such person or a third person having engaged in
130 sexual conduct with [him] such person; [or] (2) [he] such person pays
131 or agrees to pay a fee to another person pursuant to an understanding
132 that in return [therefor] for such fee such other person or a third
133 person will engage in sexual conduct with [him] such person; or (3)
134 [he] such person solicits or requests another person to engage in sexual
135 conduct with [him] such person in return for a fee.

136 (b) [Except as provided in subsection (c) of this section, patronizing]
137 Patronizing a prostitute is a class A misdemeanor and any person
138 found guilty shall be fined two thousand dollars.

139 [(c) Patronizing a prostitute is a class C felony if such other person
140 (1) had not attained eighteen years of age, or (2) was the victim of

141 conduct of another person that constitutes (A) trafficking in persons in
142 violation of section 53a-192a, or (B) a criminal violation of 18 USC
143 Chapter 77, as amended from time to time.]

144 Sec. 4 (NEW) (*Effective October 1, 2017*) (a) A person is guilty of
145 commercial sexual abuse of a minor when: (1) Such person pays a fee
146 to a minor or third person as compensation for a minor having
147 engaged in sexual conduct with such person; (2) such person pays or
148 agrees to pay a fee to a minor or a third person pursuant to an
149 understanding that in return for such fee the minor will engage in
150 sexual conduct with such person; or (3) such person solicits or requests
151 to engage in sexual conduct with a minor, or any other person that
152 such person reasonably believes to be a minor, in return for a fee.

153 (b) Except as provided in subsection (c) of this section, commercial
154 sexual abuse of a minor is a class B felony.

155 (c) Commercial sexual abuse of a minor is a class A felony if the
156 minor has not attained fifteen years of age.

157 (d) For purposes of this section, "minor" means a person who has
158 not attained eighteen years of age.

159 Sec. 5. Section 54-234a of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2017*):

161 (a) (1) The operator of any (A) establishment that provides massage
162 services for a fee; (B) publicly or privately operated highway service
163 plaza; [, any] (C) hotel, motel, inn or similar lodging; [or any] (D)
164 public airport, as defined in section 15-74a; (E) acute care hospital
165 emergency room; (F) urgent care facility; (G) station offering passenger
166 rail service or passenger bus service; (H) business that sells or offers for
167 sale materials or promotes performances intended for an adult-only
168 audience; (I) employment agency, as defined in section 31-129, that
169 offers personnel services to any other operator described in this
170 subdivision; or (J) establishment that provides services performed by a
171 nail technician, as defined in section 19a-231, and (2) each person who

172 holds an on-premises consumption permit for the retail sale of
173 alcoholic liquor pursuant to title 30, shall post the notice developed
174 pursuant to subsection (b) of section 54-222 in plain view in a
175 conspicuous location where [sales] labor and services are provided or
176 performed, tickets are sold and other transactions, including sales, are
177 to be carried on.

178 (b) The provisions of subsection (a) of this section shall not apply to
179 any person who holds an on-premises consumption permit for the
180 retail sale of alcoholic liquor pursuant to title 30 that consists of only
181 one or more of the following: (1) A caterer, [railroad,] boat, [airline,]
182 military, charitable organization, special club, temporary liquor or
183 temporary beer permit, or (2) a manufacturer permit for a farm winery,
184 a manufacturer permit for beer, manufacturer permits for beer and
185 brew pubs, or any other manufacturer permit issued under title 30.

186 (c) Any operator or person who fails to comply with the provisions
187 of subsection (a) of this section shall be fined one hundred dollars for a
188 first offense and two hundred fifty dollars for any subsequent offense,
189 in addition to any proceedings for suspension or revocation of a
190 license, permit or certificate that the appropriate authority may initiate
191 under any other provision of law.

192 Sec. 6. (NEW) (*Effective October 1, 2017*) (a) The Commissioner of
193 Children and Families, in consultation with the Commissioner of
194 Emergency Services and Public Protection, shall develop an initial
195 educational training program and refresher training program for the
196 accurate and prompt identification and reporting of suspected human
197 trafficking.

198 (b) The training program shall include a video presentation,
199 developed and approved by said commissioners, that offers awareness
200 of human trafficking issues and guidance to law enforcement
201 personnel, judges of the Superior Court, prosecutors, public defenders
202 and other attorneys who represent criminal defendants, hospital
203 emergency room staff and urgent care facility staff who have contact

204 with patients and persons employed by a local or regional board of
205 education or a constituent unit, as defined in section 10a-1 of the
206 general statutes, who have contact with students.

207 (c) Any person described in subsection (b) of this section shall
208 complete the initial educational training program not later than July 1,
209 2018, and shall complete the refresher training program annually
210 thereafter, provided any person being employed as such a person shall
211 complete such initial educational training program not later than six
212 months after beginning such employment or July 1, 2018, whichever is
213 later.

214 Sec. 7. (*Effective from passage*) (a) The Attorney General, in
215 consultation with the Commissioner of Administrative Services, the
216 Secretary of the Office of Policy and Management and any other state
217 agencies or interested parties the Attorney General deems necessary,
218 shall develop a proposed certification for inclusion in state contracts
219 that conforms, to the extent legally feasible, with the provisions of the
220 federal Executive Order 13627 Strengthening Protections Against
221 Trafficking in Persons in Federal Contracts.

222 (b) Not later than January 1, 2018, the Attorney General shall submit
223 a report reflecting the proposed certification described in subsection
224 (a) of this section, along with any recommendations concerning the
225 proposed certification, to the joint standing committees of the General
226 Assembly having cognizance of matters relating to the judiciary and
227 government administration, in accordance with the provisions of
228 section 11-4a of the general statutes.

229 Sec. 8. Section 53a-84 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective October 1, 2017*):

231 (a) In any prosecution for prostitution in violation of section 53a-82
232 or patronizing a prostitute in violation of section 53a-83, as amended
233 by this act, [or 53a-83a,] the sex of the two parties or prospective
234 parties to the sexual conduct engaged in, contemplated or solicited is
235 immaterial, and it shall be no defense that: (1) Such persons were of the

236 same sex; or (2) the person who received, agreed to receive or solicited
237 a fee was a male and the person who paid or agreed or offered to pay
238 such fee was a female.

239 (b) In any prosecution for patronizing a prostitute in violation of
240 section 53a-83, as amended by this act, [or 53a-83a,] promoting
241 prostitution in violation of section 53a-86, 53a-87 or 53a-88 or
242 permitting prostitution in violation of section 53a-89, it shall be no
243 defense that the person engaging or agreeing to engage in sexual
244 conduct with another person in return for a fee could not be
245 prosecuted for a violation of section 53a-82 on account of such person's
246 age.

247 Sec. 9. Subsection (a) of section 54-36p of the general statutes is
248 repealed and the following is substituted in lieu thereof (*Effective*
249 *October 1, 2017*):

250 (a) The following property shall be subject to forfeiture to the state
251 pursuant to subsection (b) of this section:

252 (1) All moneys used, or intended for use, in a violation of
253 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-
254 87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b,
255 53a-196c or 53a-196i;

256 (2) All property constituting the proceeds obtained, directly or
257 indirectly, from a violation of subdivision (3) of subsection (a) of
258 section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-
259 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

260 (3) All property derived from the proceeds obtained, directly or
261 indirectly, from a violation of subdivision (3) of subsection (a) of
262 section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-
263 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

264 (4) All property used or intended for use, in any manner or part, to
265 commit or facilitate the commission of a violation of subdivision (3) of

266 subsection (a) of section 53-21 or section 53a-83, as amended by this
 267 act, [53a-83a,] 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-
 268 192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i.

269 Sec. 10. Sections 53a-83a and 54-36m of the general statutes are
 270 repealed. (*Effective October 1, 2017*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	46a-170
Sec. 2	<i>October 1, 2017</i>	53a-192a
Sec. 3	<i>October 1, 2017</i>	53a-83
Sec. 4	<i>October 1, 2017</i>	New section
Sec. 5	<i>October 1, 2017</i>	54-234a
Sec. 6	<i>October 1, 2017</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>October 1, 2017</i>	53a-84
Sec. 9	<i>October 1, 2017</i>	54-36p(a)
Sec. 10	<i>October 1, 2017</i>	Repealer section